

James E. Hoffmann, Esq., SB#91876
Robert S. Levin, Esq., SB#105970
LEVIN & HOFFMANN, LLP
23622 Calabasas Road, Suite 253
Calabasas, California 91302
E-mail: jhoffmann@levinhoffmann.com
Attorneys for Defendant,
ECOWATER SYSTEMS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA AUTOMOBILE
INSURANCE COMPANY AS
SUBROGEE OF MACDONALD
MORRIS,

Plaintiff,

vs.

ECOWATER SYSTEMS, LLC, and
DOES 1 to 25, Inclusive,

Defendants.

) NO.

)

)

)

(San Mateo County Superior Court Case No.
21-CIV-04172)

)

)

)

)

)

)

)

)

)

)

)

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §
1441(a) (DIVERSITY);
EXHIBITS

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE THAT Defendant EcoWater Systems LLC
("EcoWater") hereby removes this action from the Superior Court of California,
County of San Mateo, to the United States District Court for the Northern District
of California, and sets forth in support of its Notice of Removal of Action the
following:

. . .

THE STATE COURT ACTION

1. On August 3, 2021 Plaintiff California Automobile Insurance Company (“Plaintiff”) commenced an action in the Superior Court of California, County of San Mateo, entitled *California Automobile Insurance Company as subrogee of MacDonald Morris v. EcoWater Systems LLC, et al.*, Case No. 21-CIV-04172. Authentic and accurate copies of the Complaint and Summons are attached hereto as Exhibit “A”.

2. The Complaint alleges products liability and general negligence claims against EcoWater. (See Exhibit A.)

3. EcoWater was served with the Complaint on August 26, 2021. An authentic and accurate copy of the Service of Process Transmittal is attached hereto as Exhibit “B”.

4. EcoWater filed its Answer on September 16, 2021. An authentic and accurate copy of the Answer is attached hereto as Exhibit “C”.

BASIS FOR REMOVAL – 28 U.S.C. § 1332 (DIVERSITY)

5. There is complete diversity among the parties. Removal is proper because there is complete diversity among the parties. (See 28 U.S.C. 1332(a).) Plaintiff is a subsidiary of Mercury Insurance, which is a California general corporation with its principal place of business in Los Angeles, California. (See Exhibit A; Mercury Insurance’s Company Fact Sheet, attached hereto as Exhibit “D”.) EcoWater is a Delaware limited liability company with its principal place of business in Woodbury, Minnesota. (See EcoWater’s corporate registration print-out, attached hereto as Exhibit “E”). The sole member of EcoWater is Marmon Water, Inc. Marmon Water, Inc. is a Delaware corporation with its principal place of business in Glasgow, Delaware. (See Marmon Water, Inc.’s corporate registration print-out, attached hereto as Exhibit “F”).

//

6. The amount in controversy is satisfied. The amount of controversy exceeds \$75,000.00 exclusive of interest and costs. (*See* U.S.C. § 1332(a)). The damages sought by Plaintiff are in excess of \$488,826.86, as stated in the Complaint. (*See* Exhibit A, at 4.)

THE OTHER REMOVAL REQUIREMENTS ARE MET

7. This Notice of Removal is being filed within thirty (30) days of the date on which EcoWater was served. (*See* Exhibit B.) Thus, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

8. Removal to this Court is proper as the Superior Court of the State of California, County of San Mateo, where this action was originally filed, is located within this district.

9. Counsel for EcoWater certifies that it will file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of California, County of San Mateo, and give notice of the same to counsel for Plaintiff.

10. Only EcoWater has been served with the Summons and Complaint in the State Court action to date. (*See* 28 U.S.C. § 1446.)

11. Plaintiff has not made a jury trial demand.

WHEREFORE, for the above-stated reasons, EcoWater removes this action from the Superior Court of California, County of San Mateo, to this Court.

Respectfully submitted,

DATED: September 24, 2021

/s/
 James E. Hoffmann, Esq.
 Robert S. Levin, Esq.
LEVIN & HOFFMANN, LLP
 23622 Calabasas Road, Suite 253
 Calabasas, California 91302
 E-mail: jhoffmann@levinhoffmann.com
Attorneys for Defendant,
ECOWATER SYSTEMS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2021, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Kellie L. Terhufen, Esq.
LAW OFFICES OF ROBERT A.
STUTMAN, P.C.
1260 Cornoa Pointe Court, Suite 306
Corona, CA 92879
E-mail: TerhufenK@StutmanLaw.com
Attorneys for Plaintiff, STATE FARM
GENERAL INSURANCE COMPANY

I hereby certify that on this 23rd day of September, 2021, I caused the original of the foregoing document to be served upon the following persons by placing a true and correct copy thereof, enclosed in a sealed envelope with first-class postage thereon fully prepaid, for deposit in the U.S. Mail for service by the United States Postal Service addressed as follows:

Karina Mejía
Legal Assistant